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11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 NETWORK APPLIANCE, INC.,

16 Plaintiff – Counterclaim
 Defendant,

17 v.

18 SUN MICROSYSTEMS, INC.,

19 Defendant -
 20 Counterclaimant.

CASE NO. 3:07-CV-06053 EDL (JCS)

**SUN MICROSYSTEMS, INC.'S
 ADMINISTRATIVE MOTION PURSUANT
 TO CIVIL L.R. 79-5 REGARDING SUN'S
 REPLY IN SUPPORT OF ITS MOTION
 FOR PARTIAL STAY**

Date: May 13, 2008
 Time: 2:00 p.m.
 Courtroom: E, 15th Floor
 Hon. Elizabeth D. Laporte

21 Pursuant to Northern District of California Local Rule 79-5, Sun Microsystems, Inc.
 22 (“Sun”) submits the following administrative motion regarding Sun’s Reply In Support of Its
 23 Motion for Partial Stay (“Sun’s Reply”) and Sun’s Objections to the Declarations of David Hitz
 24 and Stephen G. Kunin (“Sun’s Objections”) filed herewith.

25 Local Rule 79-5(d) states, in relevant part, that “if a party wishes to refer in a
 26 memorandum or other filing to information [designated confidential] by another party, the
 27 submitting party must file and serve an Administrative Motion for a sealing order....” Because
 28

1 Sun's Reply and Sun's Objections refer to information submitted on behalf of Network
 2 Appliance, Inc. ("NetApp") that has been deemed confidential by NetApp, Sun must file this
 3 administrative motion. *However, Sun does not believe that any of the information set forth in*
 4 *Sun's Reply or Sun's Objections should be filed under seal.*

5 On April 29, 2008, NetApp filed its Administrative Motion to File Under Seal the
 6 Unredacted Versions of Plaintiff NetApp, Inc.'s Opposition to Sun Microsystems, Inc.'s Motion
 7 for Partial Stay and Declaration of David Hitz in Support Thereof ("NetApp's Administrative
 8 Motion"). That same day, Sun opposed NetApp's Administrative Motion. For the reasons set
 9 forth in Sun's Opposition to NetApp's Administrative Motion, none of the information NetApp
 10 seeks to file under seal is privileged or constitutes a protectable trade secret. L.R. 79-5. In fact,
 11 none of the information can even be deemed "confidential." Therefore, NetApp's Opposition and
 12 accompanying papers should not be filed under seal. However, because this issue is still under
 13 submission by the Court, Sun is required by Local Rule 79-5(d) to file this administrative request.

14 In short, Sun requests that the Court deny NetApp's Administrative Motion – none of the
 15 information in NetApp's Opposition (and Hitz Declaration) and, consequently, in Sun's Reply or
 16 Sun's Objections should be filed under seal. If the Court denies NetApp's Administrative
 17 Motion, Sun will file an unredacted copy of Sun's Reply and Sun's Objections in the public
 18 record.

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 20 Dated: May 5, 2008

21 DLA PIPER US LLP

22 By Christine K. Corbett
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 25 SUN MICROSYSTEMS, INC.